

Representative Gage Froerer proposes the following substitute bill:

STATUTE OF LIMITATIONS ON TRESPASS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: _____

LONG TITLE

General Description:

This bill clarifies that the statute of limitations on damages for trespass is three years, but lengthens the time period for enjoining a permanent trespass to seven years.

Highlighted Provisions:

This bill:

- ▶ affirms that the statute of limitations for the recovery of damages due to trespass is three years; and
- ▶ lengthens the time period to enjoin a trespass to seven years.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78B-2-314, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78B-2-314** is enacted to read:



26 **78B-2-314. Statute of limitations -- Permanent or continuing trespass -- Damages.**

27 (1) In accordance with Section 78B-2-305, an action for damage created by trespass
28 shall be brought within three years of the trespass incident that caused the damage.

29 (2) An action to enjoin a permanent or continuing trespass for which the statute of
30 limitations for damages has run may, nonetheless, be brought within seven years after the first
31 instance of trespass.